

THE SECRETARY OF STATE

WASHINGTON

Dear Mr. Chairman:

July 8, 2002

Thank you for your letters of June 17 to Attorney General Ashcroft and me regarding the Foreign Relations Committee's June 13 hearing concerning the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This replies to both letters.

Addressing the issues confronting women - from suffrage to gender-based violence - is a priority of this Administration. We are committed to ensuring that promotion of the rights of women is fully integrated into American foreign policy. Our recent actions in Afghanistan underscore this commitment to promote the rights of girls and women who suffered under the draconian Taliban rule, including in education, employment, healthcare, and other areas. It is for these and other reasons that the Administration supports CEDAW's general goal of eradicating invidious discrimination against women across the globe.

The vagueness of the text of CEDAW and the record of the official U.N. body that reviews and comments on the implementation of the Convention, on the other hand, raise a number of issues that must be addressed before the United States Senate provides its advice and consent. We believe consideration of these issues is particularly necessary to determine what reservations, understandings and declarations may be required as part of the ratification process.

As you are aware, the Committee on the Elimination of Discrimination against Women prepares reports and recommendations to State Parties. Portions of some of these reports and recommendations have addressed serious problems in useful and positive ways, such as women and girls who are victims of terrorism (Algeria)¹ and

¹ Concluding Observations on the Committee on the Elimination of Discrimination Against Women: Algeria, 27/01/99, ¶¶ 77-78.

The Honorable

Joseph R. Biden, Jr., Chairman,
Committee on Foreign Relations,
United States Senate.

trafficking in women and girls (Burma).² However, other reports and recommendations have raised troubling questions in their substance and analysis, such as the Committee's reports on Belarus (addressing Mother's Day),³ China (legalized prostitution),⁴ and Croatia (abortion).⁵

State Parties have always retained the discretion on whether to implement any recommendations made by the Committee. The existence of this body of reports, however, has led us to review both the treaty and the Committee's comments to understand the basis, practical effect, and any possible implications of the reports. We are also examining those aspects of the treaty that address areas of law that have traditionally been left to the individual States. The complexity of this treaty raises additional important issues, and we are examining those as well.

In mid-April, when the Administration learned that the Committee had set a hearing date for consideration of CEDAW, the Departments of State and Justice began a review of this Convention to assess the need for reservations, understandings, and declarations different from or in addition to those reported out by the Committee in Exec. Rept. 103-38 in October, 1994. Given the passage of time since the last Senate hearing and the breadth of the issues touched upon by the Convention, we believe that a careful review is appropriate and necessary. This review is proceeding as expeditiously as possible.

Although the Administration supports CEDAW's general goals, it believes that eighteen other treaties are either in urgent need of Senate approval or of a very high priority. In addition to the seventeen treaties listed in higher categories on the treaty priority list that are still pending, the Moscow Treaty on the reduction of strategic arms, which was transmitted to the Senate in June, is among our most pressing national security needs and foreign policy interests. At the same time as the Administration is carrying out its review of CEDAW, we hope we can work with the Committee on these high priority treaties. Once our review of CEDAW is complete, we look forward to presenting our views to your Committee.

² Concluding Observations on the Committee on the Elimination of Discrimination Against Women: Myanmar, 28/01/2000, ¶¶ 119-120.

³ Concluding Observations on the Committee on the Elimination of Discrimination Against Women: Belarus, 31/0-1/2000, ¶ 361.

⁴ Concluding Observations on the Committee on the Elimination of Discrimination Against Women: China, 03/02/99, ¶¶ 288-289.

⁵ Concluding Observations on the Committee on the Elimination of Discrimination Against Women: Croatia, 14/05/98, ¶¶ 109, 117.

I would like to take this opportunity to thank you for recently guiding the two Protocols to the Rights of the Child Convention through the advice and consent process at the U.S. Senate. This is a good example of successful cooperation between your Committee and the Administration to advance treaties that are high priorities for our nation's foreign policy.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. L. Powell', with a stylized flourish at the end.

Colin L. Powell